

**CALENDAR ITEM
C53**

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S 1

06/18/02
W 25714
B. Young

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Brembil, LLC, a California Limited Liability Company

AREA, LAND TYPE, AND LOCATION:

0.30 acres, more or less, of sovereign lands in Lake Tahoe, Rubicon Bay, El Dorado County.

AUTHORIZED USE:

Construction of a new pier, installation of a boatlift and retention of four existing mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning June 1, 2002.

CONSIDERATION:

\$792 per annum; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than \$1,000,000.

Other:

1. This lease is conditioned on applicant obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.
2. The proposed pier is located within suitable habitat of the endangered Tahoe Yellow Cress (TYC). A site inspection for the presence of TYC has been performed. TYC was not found at the proposed pier construction site.

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OTHER PERTINENT INFORMATION:

1. Applicant is the littoral owner of the upland property; however, Applicant does not qualify for a rent-free lease because applicant is a limited liability company. Brembil, LLC, a California Limited Liability Company, is now applying for a new General Lease - Recreational Use.

2. **PIER AND BOAT LIFT**

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061 (b)(3).

3. **BUOYS:**

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(3).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

FURTHER APPROVALS REQUIRED:

Buoys: Tahoe Regional Planning Agency.

Pier: U.S. Army Corps of Engineers, California Department of Fish and Game

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EXHIBIT:

- A. Location and site map

PERMIT STREAMLINING ACT DEADLINE:

July 26, 2002

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

PIER AND BOAT LIFT

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3).

BUOYS

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(3).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO BREMBIL, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, OF A GENERAL LEASE - RECREATIONAL USE, BEGINNING JUNE 1, 2002, FOR A TERM OF TEN YEARS, FOR THE CONSTRUCTION OF A NEW PIER, INSTALLATION OF A BOAT LIFT AND RETENTION OF FOUR EXISTING MOORING BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$792,

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WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.